



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष १०, अंक २५(४)]

शुक्रवार, मार्च १५, २०२४/फाल्गुन २५, शके १९४५

[पृष्ठे १४, किंमत : रुपये ११.००]

असाधारण क्रमांक ४५

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १४ मार्च २०२४

अधिसूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टिपीबी-४३२३/प्र.क्र.१२९/२०२३/ नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरीता (यापुढे ज्याचा उल्लेख "उक्त महानगरपालिका" असा करणेत आलेला आहे.) नियोजन प्राधिकरण आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र.टिपीबी-४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दि. ८ मे २०१८ (यापुढे ज्याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना-२०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ (यापुढे याचा उल्लेख "उक्त नियमावली" असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजूरी दिली आहे. आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुद्धीपत्रक दि.२२ जून २०१८ रोजी निर्गमित केले आहे; आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुद्धीपत्रक व पुरकपत्र दि. २९ जून, २०१८ रोजी पारित केले असून सदर शुद्धीपत्रक व पुरकपत्र **महाराष्ट्र शासनाच्या राजपत्रात** दि. ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आले आहे; आणि ज्याअर्थी, उक्त नियमावली दि. १ सप्टेंबर २०१८ पासून अंमलात आली आहे;

आणि ज्याअर्थी, शासनाने दि. २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावलीमधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णायार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजूरी प्रदान केली आहे;

आणि ज्याअर्थी, उक्त मंजूरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावलीमधील काही तरतुदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे या करिता शासनाने दि. १२ नोव्हेंबर २०१८ रोजी शुद्धीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, महाराष्ट्र राज्यातील माहिती तंत्रज्ञान आणि माहिती तंत्रज्ञान सहाय्यभूत सेवांच्या सर्वंकष व्यापक विस्ताराकरीता, शासनाचे उद्योग विभागातर्फे महाराष्ट्र राज्याचे माहिती तंत्रज्ञान आणि माहिती तंत्रज्ञान सहाय्यभूत सेवा धोरण- २०२३ (यापुढे ज्याचा

उल्लेख “उक्त धोरण” असा केला आहे.) तयार करण्यात आले असून, ते शासन उद्योग विभागाकडील दि. २७/०६/२०२३ रोजीचे शासन निर्णयाद्वारे जाहिर करण्यात आले आहे; आणि ज्याअर्थी, उक्त धोरणातील संबंधित मुद्द्यांच्या अनुषंगाने संबंधित प्रशासकीय विभागांनी आवश्यक ते आदेश तातडीने निर्गमित करण्याबाबत उद्योग विभागाने विनंती केली आहे;

आणि ज्याअर्थी, वरील विचारात घेता, उक्त नियमावलीतील तरतुदी उक्त धोरणातील तरतूदींशी सुसंगत असण्याकरिता उक्त धोरणातील तरतूदींचे अनुरूप उक्त नियमावलीतील संबंधित तरतूदींमध्ये सुधारणा करणे आवश्यक आहे, असे शासनाचे मत झाले आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकारांचा वापर करून शासनाने समक्रमांकाची दि. ४ ऑक्टोबर, २०२३ रोजीची सूचना त्यासोबतचे परिशिष्टामध्ये नमूद प्रस्तावित फेरबदलावर (यापुढे ज्याचा उल्लेख “प्रस्तावित फेरबदल” असा करण्यात आलेला आहे) जनतेकडून हरकती / सूचना मागविण्यासाठी प्रसिद्ध केली आहे आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देण्याकरीता तसेच उक्त अधिनियमाच्या कलम ३७(१कक) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेसाठी उपसंचालक, नगररचना, बृहन्मुंबई यांची अधिकारी (यापुढे ज्यांचा उल्लेख “उक्त अधिकारी” असा करण्यात आला आहे.) म्हणून नियुक्ती करण्यात आली आहे;

आणि ज्याअर्थी, प्रस्तावित फेरबदलाची सदर शासन सूचना दि. ४ ऑक्टोबर, २०२३ ही महाराष्ट्र शासन राजपत्र (भाग-१ कोकण विभागीय पुरवणी) मध्ये दि. १९-२४ ऑक्टोबर, २०२३ रोजी प्रसिद्ध करण्यात आली होती आणि उक्त अधिकारी यांनी अधिनियमाचे कलम ३७(१कक) अन्वये वैधानिक कार्यवाही पूर्ण करून दि. २० डिसेंबर २०२३ रोजीच्या पत्रान्वये त्यांचा अहवाल नगररचना संचालनालयामार्फत शासनाचे अंतिम मंजूरीसाठी सादर केला आहे;

आणि ज्याअर्थी, उक्त अधिकारी यांनी सादर केलेला अहवाल विचारात घेता व संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्ला-मसलत केल्यानंतर उक्त प्रस्तावित फेरबदल काही सुधारणेसह मंजूर करणे जनहिताच्या दृष्टीने आवश्यक आहे, असे शासनाचे मत झाले आहे.

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(१कक)(ग) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करून शासन याद्वारे :

(अ) उक्त प्रस्तावित फेरबदलाचे प्रस्तावास सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजूरी देत आहे.

(ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिद्ध झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.

(क) बृहन्मुंबई महानगरपालिकेच्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ च्या मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर खालील परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा / नियम) या वेबसाइटवर देखील प्रसिद्ध करण्यात येत आहे.

परिशिष्ट

शासन नगर विकास विभागाकडील सूचना क्र.टिपीबी-४३२३/प्र.क्र.१२९/२०२३/नवि-११, दि. १४मार्च, २०२४ सोबतचे परिशिष्ट

Regulation No.	Existing Provision	Sanctioned provision																								
33(13)	<p>33(13) – <i>Buildings of Information Technology Establishments</i></p> <p>With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No. 30 Table No. 12 as given in the following table, to all registered Public & Private IT/ITES Parks/ AVGC Parks/IT SEZs or IT Parks in SEZs/Stand- alone IT/ITES units in public IT Park (including IT/ITES units located in Residential/commercial/Industrial in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present/previous IT/ITES policies by charging premium as per the conditions specified below this table.</p> <table border="1"> <thead> <tr> <th>Sr No</th><th>Minimum Road Width</th><th>Maximum Permissible FSI</th></tr> </thead> <tbody> <tr> <td>1</td><td>12m</td><td>Up to 3</td></tr> <tr> <td>2</td><td>18m</td><td>Up to 4</td></tr> <tr> <td>3</td><td>27m</td><td>Up to 5</td></tr> </tbody> </table> <p>On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.</p> <p>The grant of additional FSI as stated above shall be subject to following conditions.</p> <ol style="list-style-type: none"> The additional FSI shall be granted beyond permissible FSI as per regulation 30(A)(1) upon the payment of premium. Such premium shall be recovered for the BUA at the rate of 50% of ASR for open develop land (for FSI 1) The premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50:50. The share of the Government shall be paid to the Deputy Director of Town Planning, Greater Mumbai. 	Sr No	Minimum Road Width	Maximum Permissible FSI	1	12m	Up to 3	2	18m	Up to 4	3	27m	Up to 5	<p>33(13) – <i>Buildings of Information Technology Establishments / Data Centers :-</i></p> <p>With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No. 30 Table No. 12 as given in the following table, to all registered Public & Private IT/ITES Parks/ AVGC Parks/IT SEZs or IT Parks / Data Centers in SEZs/Stand- alone IT/ITES units in public IT Park or Data Centers (including IT/ITES units located in Residential/ commercial/Industrial in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present/previous IT/ITES policies by charging premium as per the conditions specified below this table.</p> <table border="1"> <thead> <tr> <th>Sr No</th><th>Minimum Road Width</th><th>Maximum Permissible FSI</th></tr> </thead> <tbody> <tr> <td>1</td><td>12m</td><td>Up to 3</td></tr> <tr> <td>2</td><td>18m</td><td>Up to 4</td></tr> <tr> <td>3</td><td>27m</td><td>Up to 5</td></tr> </tbody> </table> <p>On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.</p> <p><i>Note :- If additional development potential over and above the maximum permissible development potential for IT / ITES uses as per table above, is permissible under any other provisions of DCPR-2034, then in such cases, such additional development potential shall be permissible as per the respective provisions of the DCPR-2034.</i></p> <p>The grant of additional FSI as stated above shall be subject to following conditions:-</p>	Sr No	Minimum Road Width	Maximum Permissible FSI	1	12m	Up to 3	2	18m	Up to 4	3	27m	Up to 5
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	<p>(Explanation: - Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permitting additional F.S.I. by considering the ASR for the relevant year without applying the guidelines)</p> <p>c) Maximum 20% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy 2015, in IT Parks and remaining built-up area shall be utilized for IT/ITES.</p> <p>d) Maximum 40% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services in IT Parks in Municipal Corporations which are not covered under Serial No. c) above and remaining built-up area shall be utilized for IT/ITES.</p> <p>e) New said unit shall allocate at least 2% of the total proposed built-up area, for providing incubation facilities for new units. This area would be treated as a part of the Park to be used for IT activities and eligible for additional FSI benefits accordingly.</p> <p>f) Premium to be received by the Planning Authority as per provisions in this regulation shall be deposited in a separate fund viz. "Critical Infrastructure Fund for IT/ITES Industries" and this fund shall be utilized only for creation of Critical Infrastructure for IT/ITES Industries:</p> <p>Provided that in the event, the developer come forward for providing such off site infrastructure at his own cost, instead of paying premium as prescribed above, then the Planning Authority may determine the estimated cost of the work by using rates prescribed in District Schedule of Rates (DSR) of the relevant year, in which order for commencement of such work is issued. The Planning Authority shall also prescribe the standards for the work. After completion of the works, the Planning Authority shall verify and satisfy itself that the same is developed as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered from such developer before issuing Occupancy Certificate.</p> <p>Provided that, in case the cost of work is more than the</p>	<p>a) The additional FSI shall be granted beyond permissible FSI as per regulation 30(A)(1) upon the payment of premium. Such premium shall be recovered for the BUA at the rate of 50% of prevailing rate of premium as per Regulation 30(A) Note 6.</p> <p>b) The premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50:50. The share of the Government shall be paid to the Deputy Director of Town Planning, Greater Mumbai.</p> <p>(Explanation: - Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permitting additional F.S.I. by considering the ASR for the relevant year without applying the guidelines)</p> <p>e) Maximum 20% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy 2015, in IT Parks and remaining built-up area shall be utilized for IT/ITES.</p> <p>d) Maximum 40% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services in IT Parks in Municipal Corporations which are not covered under Serial No. e) above and remaining built-up area shall be utilized for IT/ITES.</p> <p>c) Maximum 40% of total proposed Built-up area inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy 2023 in IT Parks and remaining built-up area shall be utilized for IT/ITES/Data Centers. Standalone building /Group of buildings in IT Parks with a minimum built-up area of 20,000 sq.ft will also be eligible for above benefits.</p> <p>e) New said unit shall allocate at least 2% of the total proposed built-up area, for providing incubation facilities for new units. This area would be treated as a part of the Park to be used for IT activities and eligible for additional FSI benefits accordingly.</p> <p>g) Premium to be received by the Planning Authority against</p>
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<p>premium to be recovered, such additional cost to be borne by such developer.</p> <p>g) Permission for erecting towers and antenna upto height permitted by the Civil Aviation Department shall be granted by the Commissioner as per the procedure followed for development permission or otherwise as may be decided by the Government.</p> <p>h) While developing site for IT/ITES with additional FSI, support services as defined in the IT Policy 2015, shall be allowed.</p> <p>i) Notwithstanding anything contained in these regulations, no amenity space is required to be left for development of plot/land upto 2.00 Hect. for IT/ITES.</p> <p>j) The Directorate of industries will develop a web portal on which the developer of every IT park will be bound to provide/update detailed information about names of the units in the park, utilization of built-up area and activities being carried out, manpower employed in the It Park for IT/ITES and support services on yearly basis.</p> <p>If a private IT park has availed additional FSI as per the provisions of IT/ITES policy and subsequently it is found that the built-up space in the park is being used for non IT/ITES / commercial activities/ any other activity not permitted as per the IT/ITES policy under which the said park was approved, a penal action as below will be taken, the payment shall be shared between the concerned Planning Authority and the Government in the ratio of 3: 1.</p> <p>a) The misuse shall be ascertained by physical site verification of the said private IT park by a team of officers from the Directorate of industries and the Planning Authority which has approved the building plans of the said private IT park.</p> <p>b) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the built-up area that has been found to be used for non- IT/ITES activities.</p> <p>c) The penalty will be recovered from the date of commencement of unauthorized use till the day non IT use continues.</p>	<p><i>availing additional FSI for IT&ITes industries/Data Center</i> as per provisions in this regulation shall be deposited in a separate fund <i>account head</i> viz. "Critical Infrastructure Fund for IT/ITES Industries" and this fund shall be utilized only for creation of Critical Infrastructure for IT/ITES Industries/<i>Data Centers. The matching contribution from the State Government will be deposited in the same infrastructure fund.</i></p> <p>Provided that in the event, the developer come forward for providing such off site infrastructure at his own cost, instead of paying premium as prescribed above, then the Planning Authority may determine the estimated cost of the work by using rates prescribed in District Schedule of Rates (DSR) of the relevant year, in which order for commencement of such work is issued. The Planning Authority shall also prescribe the standards for the work. After completion of the works, the Planning Authority shall verify and satisfy itself that the same is developed as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered from such developer before issuing Occupancy Certificate.</p> <p>Provided that, in case the cost of work is more than the premium to be recovered, such additional cost to be borne by such developer.</p> <p>g) f) Permission for erecting towers and antenna upto height permitted by the Civil Aviation Department shall be granted by the Commissioner as per the procedure followed for development permission or otherwise as may be decided by the Government.</p> <p>h) g) While developing site for IT/ITES/ <i>Data Center</i> with additional FSI, support services as defined in the IT Policy 2023, shall be allowed.</p> <p>i) h) Notwithstanding anything contained in these regulations, no amenity space is required to be left for development of plot/land upto 2.00 Hect. for IT/ITES/<i>Data Centers.</i></p> <p>j) i) The Directorate of industries will develop a web portal on which the developer of every IT park/<i>Data Center</i> will be bound to provide/update detailed information about names of the units in the park, utilization of built-up area and activities</p>
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Regulation 44 Table No.21 New provision is added by new Sr.No.12	Nil	<table border="1"> <tr> <th>Sr. No.</th><th>Occupancy</th><th>Parking Spaces Required</th></tr> <tr> <td>12</td><td>Data Centers</td><td>One Parking Space for every 400 sq.m. built up area or fraction thereof</td></tr> </table>	Sr. No.	Occupancy	Parking Spaces Required	12	Data Centers	One Parking Space for every 400 sq.m. built up area or fraction thereof
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Regulation 44 Table No.21 Note (iii)	(iii) In case of uses of Data Centre, Data ware houses, the requirements of the parking to the extent of 50% as stated in this regulation shall be permissible. However, in future if change of user/activity is sought in such case then provision of parking requirement as per this regulation will have to be provided.	This provision is deleted.						
Regulation 31(1) Exemption from FSI sub-clause (V)	Area of the basement used exclusively for parking and other ancillary uses as permitted in Regulation No. 37(7) (iv) (b, c, d, e & j).	Area of the basement used exclusively for parking and other ancillary uses as permitted in Regulation No. 37(7) (iv) (b, c, d, e & j), storage (exclusively for use in Data Centers as per Regulation 33(13)).						

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

डॉ. प्रतिभा भदानी,
शासनाच्या सह सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, Dated 14th March, 2024.

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1960.

No. TPB- 4323/ C.R.129 /2023/UD-11.—Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for the area within its jurisdiction (hereinafter referred to as “the said Corporation”) as per the provision of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”)

Whereas, in exercise of the powers conferred by sub section (1) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”), the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 8/05/2018 (hereinafter referred to as “the said Notification”) has accorded sanction to the Draft Development Plan, 2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as “the said Regulations”) with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number Dt. 22nd June, 2018; and whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in *Government Gazette* Dt. 30th June, 2018; and whereas, the said Regulations have come into force from 1/09/2018;

And whereas, the Government of Maharashtra *vide* Notification Dt. 21/09/2018 has sanctioned EP -1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations-2034;

And whereas, the Government of Maharashtra *vide* Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of sanctioned DCPR for its proper interpretation;

And whereas, for comprehensive expansion of Information Technology and Information Technology Support Services in the Maharashtra State, New Information Technology and Information Technology Enabled Services Policy of Maharashtra State-2023 (hereinafter referred to as “the said Policy”) has been prepared and issued by the Government in Industries Department *vide* Government Resolution dated 27/06/2023; And Whereas, Accordingly, the Department of Industries has requested the concerned administrative departments to issue the necessary orders immediately in accordance with the relevant provisions of the said policy;

And whereas, considering the above, the Government is of the opinion, it is necessary to modify the relevant provisions of the said Regulations as per the provisions given in the said Policy, so that, the provisions of the said Regulations will be in consonance with the provisions given in the said Policy;

And whereas, in exercise of the powers conferred under sub-section (1AA) of section 37 of the said Act, Government had issued Notice of even No. dated 4/10/2023 (hereinafter referred to as “the said Notice”) for inviting suggestions/objections from the general public with regard to the proposed modification as mentioned in the Schedule appended to the said Notice (hereinafter referred to as “the Proposed Modification”) and appointed the Deputy Director of Town Planning, Gr. Mumbai as the Officer (hereinafter referred to as “the said Officer”) to complete the procedure as stipulated under Section 37(1AA) of the said Act and to submit a Report on the objections / suggestions received in respect of the proposed modification to the Government after giving hearing to the concerned persons;

And whereas, the said Notice dated 4/10/ 2023 was published in the *Maharashtra Government Gazette* (Part-I, Kokan Division Supplement) dated 19th – 24th October, 2023 and the said Officer has submitted his report *vide* letter Dt. 20/12/2023 through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under section 37(1AA) of the said Act;

And whereas, after considering the Report of the said Officer and after consulting the Director of

Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with certain changes.

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(C) of the said Act, the Government hereby :—

(A) Sanctions the proposed modification as described more specifically in the Schedule appended herewith.

(B) Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this modification.

(C) Directs BMC that in the Schedule of Modifications sanctioning the said DCPR-2034, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification shall also be published on the Government website- www.maharashtra.gov.
in (Acts/ Rules)

SCHEDULE

(Accompaniment to the Government in Urban Development Department Notification No. TPB-4323/C.R.129/2023/UD-11,
dated :- 14th March, 2024.)

Regulation No.	Existing Provision	Sanctioned provision																								
33(13)	<p>33(13) – <i>Buildings of Information Technology Establishments</i></p> <p>With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No. 30 Table No. 12 as given in the following table, to all registered Public & Private IT/ITES Parks/ AVGC Parks/IT SEZs or IT Parks in SEZs/Stand- alone IT/ITES units in public IT Park (including IT/ITES units located in Residential/commercial/Industrial in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present/previous IT/ITES policies by charging premium as per the conditions specified below this table.</p> <table border="1"> <thead> <tr> <th>Sr No</th><th>Minimum Road Width</th><th>Maximum Permissible FSI</th></tr> </thead> <tbody> <tr> <td>1</td><td>12m</td><td>Up to 3</td></tr> <tr> <td>2</td><td>18m</td><td>Up to 4</td></tr> <tr> <td>3</td><td>27m</td><td>Up to 5</td></tr> </tbody> </table> <p>On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.</p> <p>The grant of additional FSI as stated above shall be subject to following conditions.</p> <ol style="list-style-type: none"> The additional FSI shall be granted beyond permissible FSI as per regulation 30(A)(1) upon the payment of premium. Such premium shall be recovered for the BUA at the rate of 50% of ASR for open develop land (for FSI 1) The premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50:50. The share of the Government shall be paid to the Deputy Director of Town Planning, Greater Mumbai. 	Sr No	Minimum Road Width	Maximum Permissible FSI	1	12m	Up to 3	2	18m	Up to 4	3	27m	Up to 5	<p>33(13) – Buildings of Information Technology Establishments / Data Centers :-</p> <p>With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No. 30 Table No. 12 as given in the following table, to all registered Public & Private IT/ITES Parks/ AVGC Parks/IT SEZs or IT Parks / Data Centers in SEZs/Stand- alone IT/ITES units in public IT Park or Data Centers (including IT/ITES units located in Residential/ commercial/Industrial in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present/previous IT/ITES policies by charging premium as per the conditions specified below this table.</p> <table border="1"> <thead> <tr> <th>Sr No</th><th>Minimum Road Width</th><th>Maximum Permissible FSI</th></tr> </thead> <tbody> <tr> <td>1</td><td>12m</td><td>Up to 3</td></tr> <tr> <td>2</td><td>18m</td><td>Up to 4</td></tr> <tr> <td>3</td><td>27m</td><td>Up to 5</td></tr> </tbody> </table> <p>On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.</p> <p><i>Note :- If additional development potential over and above the maximum permissible development potential for IT / ITES uses as per table above, is permissible under any other provisions of DCPR-2034, then in such cases, such additional development potential shall be permissible as per the respective provisions of the DCPR-2034.</i></p> <p>The grant of additional FSI as stated above shall be subject to following conditions:-</p>	Sr No	Minimum Road Width	Maximum Permissible FSI	1	12m	Up to 3	2	18m	Up to 4	3	27m	Up to 5
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		to the Directorate of Industries. This provision will also be applicable to existing IT Parks, Data Centers . These provisions will be over and above the penal provisions of the MRTTP Act. 1966.								
Regulation 44 Table No.21 New provision is added by new Sr.No.12	Nil	<table><tr><th>Sr. No.</th><th>Occupancy</th><th>Parking Spaces Required</th></tr><tr><td>12</td><td>Data Centers</td><td>One Space for every 400 sq.m. built up area or fraction thereof</td></tr></table>	Sr. No.	Occupancy	Parking Spaces Required	12	Data Centers	One Space for every 400 sq.m. built up area or fraction thereof		
Sr. No.	Occupancy	Parking Spaces Required								
12	Data Centers	One Space for every 400 sq.m. built up area or fraction thereof								
Regulation 44 Table No.21 Note (iii)	(iii) In case of uses of Data Centre, Data ware houses, the requirements of the parking to the extent of 50% as stated in this regulation shall be permissible. However, in future if change of user/activity is sought in such case then provision of parking requirement as per this regulation will have to be provided.	This provision is deleted.								
Regulation 31(1) Exemption from FSI sub-clause (V)	Area of the basement used exclusively for parking and other ancillary uses as permitted in Regulation No. 37(7) (iv) (b, c, d, e & j).	Area of the basement used exclusively for parking and other ancillary uses as permitted in Regulation No. 37(7) (iv) (b, c, d, e & j), storage (exclusively for use in Data Centers as per Regulation 33(13)).								

By order and in the name of the Governor of Maharashtra,

DR. PRATIBHA BHADANE,
Joint Secretary to Government.